

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

NORTH COUNTY COMMUNICATIONS  
CORPORATION,

Plaintiff,

Civil No. 10-180-PK

v.

ORDER

ALLEGIANCE TELECOM INTERNATIONAL,  
INC., a Delaware corporation; COMCAST PHONE  
OF OREGON, LLC, a Delaware limited liability  
company; ELECTRIC LIGHTWAVE, LLC, a  
Delaware limited liability company; ESCHELON  
TELECOM, INC., a Delaware corporation;  
ESCHELON TELECOM OF OREGON, INC.,  
a Minnesota corporation; INTEGRA TELECOM OF  
OREGON, INC., an Oregon corporation; and  
ALLEGIANCE TELECOM OF OREGON, INC., a  
Delaware corporation,

Defendants.

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HAGGERTY, District Judge:

Magistrate Judge Papak has issued a Findings and Recommendation [31] in this action.

The Magistrate Judge recommended that defendants Comcast Phone of Oregon, Electric

Lightwave, Eschelon Telecom, Eschelon Telecom of Oregon, and Integra Telecom of Oregon's Motion to Dismiss [17] be denied as moot, and that this action be remanded to state court for lack of subject matter jurisdiction. No objections were filed, and the case was referred to this court.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. U.S. Dist. Ct.*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Findings and Recommendation, and this case is remanded to state court.

### **CONCLUSION**

The Findings and Recommendation [31] is adopted and this case is remanded back to the Circuit Court of the State of Oregon, County of Multnomah. Defendants' Motion to Dismiss [17] is denied as moot.

IT IS SO ORDERED.

DATED this 1 day of November, 2010.

/s/ Ancer L. Haggerty  
Ancer L. Haggerty  
United States District Judge